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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,631	12/14/2000	Charles M. Link II	BELL-0023/99213	8042
23377	7590	01/14/2004	EXAMINER	
WOODCOCK WASHBURN LLP ONE LIBERTY PLACE, 46TH FLOOR 1650 MARKET STREET PHILADELPHIA, PA 19103			WOO, STELLA L	
			ART UNIT	PAPER NUMBER
			2643	9
DATE MAILED: 01/14/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,631

Applicant(s)

LINK ET AL.

Examiner

Stella L. Woo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-10,12-18,20-32 and 34-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10,12-18,20-32 and 34-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claim 1-2, 4-7, 9-10, 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Duphorne (US 6,212,265 B1).

Regarding claims 1-2, 9-10, Duphorne discloses a computing device (email notification can be incorporated within a personal computer; col. 10, lines 35-43) for receiving notification of a new incoming message (email message) at a message server (ISP email server 16a) and for retrieving the message (col. 7, line 66 - col. 8, line 3; col. 10, lines 41-43), the computing device including a communications device (signal receiving means 71; Figure 7; col. 8, lines 10-19) for coupling with a communications line (coupled to user's local loop telephone line 22 via RJ11 connector 20a; col. 7, lines 12-18), the communications line 22 being coupled to a communications system (central office 14 and PSTN 12; Figure 1), the communications system in turn being coupled to the message server (CO 14 coupled to email server 16a via Internet 15), the communications device implementing an on-hook signaling protocol for receiving data (email notification signal is received via CallerID protocol; col. 3, line 48 - col. 4, line 31; col. 6, line 55 - col. 7, line 11), the computing device in response to the notification of the new incoming message employing the communication device thereof, the communications line, and the communications network to contact the message server and retrieve the new incoming message (after the computer receives the initiation signal indicating a new message, it logs onto the email server to retrieve unread email messages; col. 10, lines 35-49).

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Regarding claims 4, 12, device 20 announces the presence of the email awaiting retrieval by providing audible and visual alerts using speaker 20c and light emitting means 20d (col. 7, lines 48-51).

Regarding claim 5, the email notification device can be housed in a computer (col. 10, lines 35-43).

Regarding claims 6-7, 13-14, device 20 includes a modem (col. 7, lines 66-67).

2. Claims 16, 18, 20-22, 24-30, 32, 34-36, 38-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Bossemeyer, Jr. et al. (US 6,490,444 B1, hereinafter "Bossemeyer").

Bossemeyer discloses a system for notifying a computing device (subscriber terminal 60 can be a personal computer; col. 5, line 66 – col. 6, line 4) of an incoming message (data message), the system comprising:

a message server (data message platform 40 coupled to a data network 200; Fig. 2; Fig3, step 100);

a public communications system (telecommunications network 60; Fig. 3, step 104); and

a communications line (telephone line connecting telecommunications network node 250 with subscriber terminal 80; Fig. 3, step 108),

wherein the incoming message includes a destination address (subscriber's email address; col. 3, lines 60-61), and wherein the communications line is identified by an identifier (telephone number of the subscriber; col. 3, lines 59-60), the system further comprising a database (subscriber database 230 associates the subscriber's email address with the subscriber's telephone number so that the subscriber can be informed of a waiting email message by a waiting message signal sent over the telephone line; col. 3, line 57 – col. 4, line 38).

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Regarding claims 28 and 42, Bossemeyer teaches the use of a stutter dial tone to indicate the presence of a waiting email message (col. 3, lines 17-25).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17, 23, 31, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bossemeyer in view of Duphorne.

Bossemeyer differs from claims 17-18, 23, 31-32, 37 in that it does not specify signaling according to an on-hook signaling protocol. However, Duphorne teaches implementing an on-hook signaling protocol for receiving an email notification message (email notification signal is received via CallerID protocol; col. 3, line 48 - col. 4, line 31; col. 6, line 55 - col. 7, line 11) such that it would have been obvious to an artisan of ordinary skill to incorporate such a signaling protocol, as taught by Duphorn, within the system of Bossemeyer so that the subscriber terminal can receive the notification message without going off-hook.

Regarding claims 23 and 37, caller ID signals are communicated via the SS7 network.

5. Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duphorne in view of Paarsmarkt et al. (US 6,118,856, hereinafter "Paarsmarkt").

Duphorne differs from claims 8 and 15 in that although it suggests the use of other signaling protocols (col. 6, lines 44-54), it does not specify implementing an ADSI protocol.

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However, Paarsmarkt teaches the well known use of ADSI signaling for email communications (col. 3, lines 54-59; col. 5, lines 2-8, 32-53) such that it would have been obvious to an artisan of ordinary skill to incorporate such well known use of ADSI protocol, as taught by Paarsmarkt, within the system of Duphorne for communicating email notification messages to an ADSI telephony device.

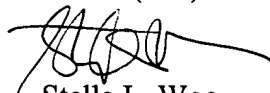
Response to Arguments

6. Applicant's arguments with respect to claims 1-2, 4-10, 12-18, 20-32, 34-43 have been considered but are moot in view of the new grounds of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (703) 305-4395. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.


Stella L. Woo
Primary Examiner
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